

BOARD MEETING MINUTES
Indiana Regulated Amusement Device
Safety Board
Held At
Indiana Government Center South
402 W. Washington Street
Indianapolis, IN 46204
Conference Center Room 2

April 19, 2013

1. The meeting of the Indiana Regulated Amusement Device Safety Board was called to order by Chairman Mike Kamp at 1:00 p.m., Eastern Daylight Time, April 19, 2013. A quorum was found to be present.

- (a) The following Board members were present:

Tim Bohlander, Poor Jack Amusements
David Dahl, Midwestern Engineers
Max Fitzpatrick, Indiana Fair Association
Lee Geiling, K & K Insurance
Michael Kamp, Holiday World, Chairman

The following Board members were not present:

Ted Bumbleburg, Lafayette Parks Department
Danny Huston, Mid America Shows
Terrance Hoffman, American Amusement Rides LLC

- (b) The following departmental staff were present

Tom Hendricks, Chief, Elevator and Amusement Safety Section
Mara Snyder, Counsel, Indiana Department of Homeland Security

2. Minutes

Chairman Kamp asked for a motion to approve, or for any corrections to be made to, the minutes of the January 4, 2013, meeting. David Dahl moved to approve the

minutes as submitted, with the second by Max Fitzpatrick. It was voted upon and carried.

3. Old Business

A continuation of the January 4, 2013, discussion concerning inflatable amusement devices was held. Mara Snyder, Counsel, Indiana Department of Homeland Security, advised the members of the Board that the amendments had been pulled out of HB #1069 due, in part, to concerns voiced by some legislators about what regulations were involved, what devices were included in the regulation, and how they were to be regulated. They wanted a way to more closely define what it was that the Board wished to regulate, asking if it were the user or the owner of the equipment who was to be regulated, what locations and type of events would be regulated, and how to “carve out” those to which it did not apply. Legislators wished to differentiate between, for example, a bounce house at a county fair and a bounce house rented by a church for their annual fundraising event. Where would the line be drawn and who would be required to comply with the Standard, and how would you enforce it? Inspections, she continued, would be a challenge for a staff which already carries a large inspection workload.

Ms. Snyder suggested that, at their July meeting, the Board might discuss if they wished to call inflatable devices regulated amusement devices, and if they would regulate them in the same way. She noted that it was possible to require the owner to comply with the Standard to provide safe operations, and yet not inspect or issue stickers. There is no constitutional requirement to inspect if a compliance regulation is created. If inspection were to be required, a fee schedule would need to be created to fund the additional personnel required to handle the increased workload, and thereby create a fiscal impact.

A discussion of the method by which Texas regulates inflatable amusement devices was held. They require the owners of the devices to provide proof of insurance and an inspection report of the device, costs paid by the owner, with their permit applications. Ms. Snyder noted that this approach had historically been rejected in Indiana. Another point raised for consideration was the possibility of regulating by size, the “Walmart units” for family use thereby being exempt. Inviting the input from inflatable amusement devices industry owners was to be done as well.

It was noted that, where an A&E permit is required, the fire inspectors will come and verify inspection stickers on the rides, so there is an inspection system, of sorts, already in place. Ms. Snyder stated that, if stickers for inflatable devices were used, they would have to be different from those used on amusement rides, and raised the question as to how they would be displayed since attaching stickers

to an inflatable device has been proven to be ineffective, as demonstrated by the failure rate of manufacturing labels.

Mr. Geiling was asked to look into the information available from the insurance industry to see what type of inflatable devices are most often associated with incidents resulting in injuries. He was also asked what type of restrictions were placed on inflatable device insurance policies. He noted that some devices are excluded by name of the device, i.e. Titanic, and by height and size. He explained that the ASTM Standard was used to determine their baseline, with consideration of the track record of the device. The rates for each device reflect the wind exposure as well.

A program where the owners would need to submit an application and proof of insurance for each inflatable unit, stating they comply with the Standard under penalty of perjury, was also suggested. They would then receive a placard or other statement of compliance for posting. Failure to register their equipment, citing ignorance of the program or of their responsibilities for compliance under the law, would not relieve them of their liabilities.

Chairman Kamp listed the action points for the July 18th meeting as: 1) Invite those from the inflatable device industry who wish to provide input for the Board; 2) Look into the types of devices most often reported with injuries by the insurance industry; 3) Provide a report on the Texas inflatable regulation program; 4) Look into regulation programs in Wisconsin and Ohio; 5) Get input from the State Fire Marshal and Building Code Compliance Officer on what they would like to see in the regulation of inflatable devices.

4. New Business

No new business had been submitted for discussion. Chairman Kamp called for any new business from the floor, and received no response.

5. Report from Chief Inspector

Tom Hendricks, Chief, Elevator and Amusement Safety Section, reported that his department was ramping up for the season, having already done 50 to 60 ride inspections. Indiana Beach and Holiday World were scheduled for inspection next week. There were 3 new inspectors certified, and 4 took the Operations certification program. Currently all inspectors, with the exception of 2 new hires, are certified. Mr. Hendricks had invited the new IDHS Director, John Hill, to attend the meeting and meet the members of the Board, but his schedule had not permitted it. Mr. Hendricks stated an invitation to attend the July meeting would be extended.

6. Questions from the Audience

No questions were posed.

7. A brief discussion concerning the upcoming Indiana Regulated Amusement Device Safety Board meeting was held. Scheduled for July 18, 2013, at Heritage Hall, Johnson County Park, Franklin, Indiana, the day was to begin at 10:30 am with a tour of the grounds. Lunch was to be served at noon, with the meeting itself beginning at 1:00 pm. Ms. Snyder asked that if any Board members were unable to attend, they let her know as quickly as possible so that traveling to a meeting cancelled due to a lack of quorum could be avoided.

8. Adjourn

Calling for any further business and hearing none, Chairman Mike Kamp closed the meeting at 2:04 p.m.

APPROVED

Mike Kamp, Chairman